

ORIGINALUNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ARCHE MASTER FUND, L.P.,

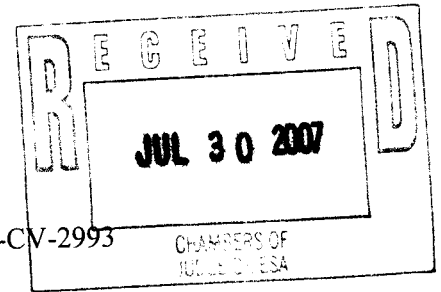
Plaintiff,

-against-

XE-R, LLC,

Defendant.

ECF CASE

Civil Action No. 07-CV-2993
(TPG)(AJP)**STIPULATION OF DISMISSAL**

WHEREAS counsel for the Plaintiff has determined that complete diversity does not exist among the parties and thus that this Court lacks subject matter jurisdiction; and

WHEREAS, at the request of Plaintiff's counsel, counsel for the Defendant has agreed to enter into this stipulation dismissing the above-entitled action without prejudice;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel for the parties, pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, that the above-entitled action be and hereby is dismissed without prejudice for lack of subject matter jurisdiction, with each party to bear its own costs.

Dated: New York, New York
July 25, 2007

QUINN EMANUEL URQUHART OLIVER &
HEDGES, LLP

By: 

Peter Calamari (PC-3694)
Kevin S. Reed (KR-5386)
51 Madison Avenue, 22nd Floor
York, New York 10010
(212) 849-7000

Attorneys for Plaintiff Arche Master Fund, L.P.

KENT, BEATTY & GORDON, LLP
FILED: 8/2/07

By: 

Jack A. Gordon, Esq. (JG-0536)
Abbey Green, Esq. (AG-9293)
425 Park Avenue, The Penthouse
New York, NY 10022
(212) 421-4300

Attorneys for Defendant XE-R, LLC

SO ORDERED THIS ____ DAY OF JULY, 2007:

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ARCHE MASTER FUND, L.P.,

Plaintiff,

-against-

XE-R, LLC,

Defendant.

ECF CASE

Civil Action No. 07-CV-2993
(TPG)(AJP)

STIPULATION OF DISMISSAL

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WHEREAS, at the request of Plaintiff's counsel, counsel for the Defendant has agreed to enter into this stipulation dismissing the above-entitled action without prejudice;

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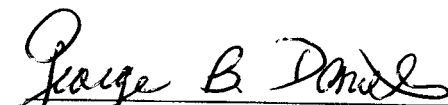
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Attorneys for Defendant XE-R, LLC

SO ORDERED THIS ____ DAY OF JULY, 2007:


UNITED STATES DISTRICT JUDGE

AUG 2 2007

HON. GEORGE B. DANIELS

PART - 1